

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200313679-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Cherng Linn TEO et al

Confirmation No.: 5031

Application No.: 10/808224

Examiner: Thomas Morrison

Filing Date: Mar 23, 2004

Group Art Unit: 3653

Title: A Duplex System For An Inkjet Printer

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 17 June 2008 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,
Cherng Linn TEO et al

By: /Thi Dang/
Thi Dang (Ms.)
Attorney/Agent for Applicant(s)

Reg No. : 53877
Date : 6 August 2008
Telephone : 858 655 8519

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Cherng Linn TEO et al.

Application No. 10/808,224

Filed: March 23, 2004

Title: A DUPLEX SYSTEM FOR AN INKJET
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REPLY BRIEF

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Sir:

This is a Reply Brief under Rule 41.41 (37 C.F.R) in response to the Examiner's
Answer of June 17, 2008 (the "Answer").

I. **Ground of Rejection to be Reviewed on Appeal**

Whether claims 18-22 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent Publication No. 2006/0164491 to Sakuma et al. (“Sakuma”).

II. **Arguments**

A. Claims 18-22 are patentable over Sakuma:

Appellants’ arguments set forth in the Brief of May 08, 2008 are repeated herein. As pointed out in Appellants’ Brief, Sakuma discloses a conventional duplex system that is similar to the conventional system shown in FIG. 1 of Appellants’ specification. In contrast, the improved duplex system being claimed is shown in FIG. 3A of Appellants’ specification. As can be seen from these figures, the duplex paths of the two systems are very different.

In the Examiner’s Answer, the Examiner maintained that claims 18-22 are anticipated under 35 U.S.C. 102(e) by Sakuma. It is submitted that the Examiner’s interpretation of the present claims so that the claims read on Sakuma’s disclosure is unreasonable and contrary to Appellants’ specification.

Office personnel must rely on the applicant’s disclosure to properly determine the meaning of the claims. *Markman v. Westview Instruments*, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (*en banc*), *aff’d*, U.S., 116 S. Ct. 1384 (1996). Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

In the Answer, the Examiner stated “[i]t is important to note that the examiner relies upon the direction that the sheet travels to determine what is “upstream” or “downstream” (page 8, second paragraph). Again, it must be reiterated that such statement is contrary to what Appellants define in claim 18 and in the specification as “upstream” and “downstream.”

With regard to the Examiner’s interpretation of the term “adjacent” in the phrase “a duplex path entry that is positioned adjacent to the output-roller assembly but

downstream from the printhead so as to enable a trailing edge of the media sheet to enter the duplex media path” in claim 18, this interpretation is not reasonable. Even with the broad definition of the term “adjacent” as indicated in the Webster’s dictionary, the ejection rollers (42,43)/element 28 of Sakuma cannot be considered “*adjacent*” to the duplex path entry (which is next to roller 25), when the recording head 4 is positioned between roller 25 and the ejection rollers (42,43)/element 28. This is clear to a reasonable person looking at FIG. 1 of Sakuma. In any event, the terms “upstream”, “downstream” and “adjacent”, as used in the claims, are in the context of defining the duplex media path shown in FIG. 3A of Appellants’ specification. The Examiner’s interpretation of the claim language is contrary to this context, and therefore, is not reasonable.

Conclusion

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Final rejection of December 14, 2007 is respectfully requested.

Date: August 06, 2008

Respectfully submitted,
/Thi Dang/

Thi Dang (Ms.)
Attorney for Appellants
Reg. No.: 53,877
Tel. No.: (858) 655-8519

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400